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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,334

01/23/2002

Masafumi Yamasaki

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26479

7590

08/11/2005

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EXAMINER

VIEAUX, GARY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,334

Applicant(s)

YAMASAKI, MASAFUMI

Examiner

Gary C. Vieaux

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 13, 14, 17 and 18 is/are allowed.
- 6) ☐ Claim(s) 8, 9, 11, 12, 15, 16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 8 and 20 are objected to because of the following informalities:

5 Line 13 of claim 8 recites the limitation "the second image". There is insufficient antecedent basis for this limitation in the claim;

Line 4 of claim 20 recites the limitation "the first image". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

10

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20 **Claims 8, 9, 11, 12, 15, 16, 19, and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Barwacz et al. (US 5,986,718.)

25 Regarding claims 8, 16, 19, and 20, Barwacz discloses a method in which a user is imaged (col. 16 lines 56-58.) The image is then combined with a background by a computer, and then the composite image is transmitted to a display that the user then employs in a determination of background selection (fig. 6, col. 16 line 58 – col. 17 line 24.) A second imaging then occurs based on the displayed background selection,

which results in the computer supplying the captured image to a printer ((fig. 6, col. 16
line 58 – col. 17 line 42.)

Regarding claim 9, Barwacz discloses all the limitations of claim 9 (see the
102(b) rejection to claim 8 supra) including storage means (fig 6 indicator 160) and
5 wherein the storage is employed with the second image obtained by the imaging center.

Regarding claim 11, Barwacz discloses all the limitations of claim 11 (see the
102(b) rejection to claim 8 supra) including wherein the data is a synthesized image of a
principle portion of the first image and a background image stored in advance at the
center (col. 17 lines 3-22.)

10 Regarding claim 12, Barwacz discloses all the limitations of claim 12 (see the
102(b) rejection to claim 8 supra) including wherein the data is a synthesized image of
an image obtained by previously imaging and an image transmitted to the center (col.
16 lines 56-67.)

Regarding claim 15, Barwacz discloses all the limitations of claim 15, please
15 refer to the 102(b) rejection to claim 9 supra.

Allowable Subject Matter

Claims 1-7, 13-14, and 17-18 are allowed.

Regarding claims 1-7, the prior art is not found to teach or fairly suggest, in
20 combination with the existing elements of the present claim, and/or in combination with
the claims from which dependence is derived, transmitting to a center a second image

having a larger number of pixels than an image corresponding to a first image; the first image being the product of a processing result.

Regarding claims 13-14, and 17-18, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim, transmitting to
5 the center a second image corresponding to the first image and having a larger number of pixels than the first image.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the
10 base claim and any intervening claims.

Regarding claim 10, the prior art is not found to teach or fairly suggest a first image of a smaller size than that of a second image.

Conclusion

15 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dotsubo et al. (US 6,441,850) discloses the use of background templates.

Nihei et al. (US 6,195,513) discloses the use of background images.

Fredlund et al. (US 6,812,962) discloses a similar interconnected fulfillment
20 center.

Belz et al. (US 2003/0090572) discloses a similar interconnected fulfillment center.

Parulski et al. (US 6,573,927) discloses backgrounds provided by a fulfillment center.

Contact

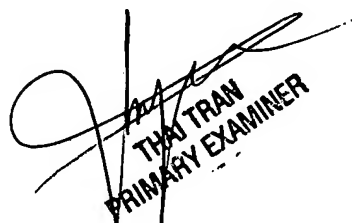
5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on 571-272-7382. The fax phone number for
10 the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.
15 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux
Examiner
Art Unit 2612

20 Gcv2


THAI TRAN
PRIMARY EXAMINER